



FAX COVER SHEET

To: Mail Stop Amendment, Examiner Hendrickson,
SPE Silverman (Group Art Unit 1754)

Date: January 28, 2008

Firm: USPTO

Telephone:

Fax No.: (571) 273-2885; (571) 273-1351;
(571) 273-1358

From: Halhum Bailey (215) 988-2685

File No.: 47162-5023-01US
(411618)

Re: Communication with Corrected Amendment and
Response

No. of Pages: (including cover sheet) 49

The original document(s) transmitted will NOT follow:

Message:

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PATENT RETURN POSTCARD

ATTY HIOB SECY LR ATTY DOCKET # 047162-5023-01-US
 DBR DKT #: 411618 TODAY'S MAILING DATE January 24, 2008
 EXPRESS MAIL #: _____ / CERT. OF MAILING
 PAT APP / PATENT # 10726394 OF: Pfefferle, et al.
 FOR: Growth of Nanostructures with Controlled Diameter

RECEIPT IS ACKNOWLEDGED BY THE USPTO FOR THE FOLLOWING:

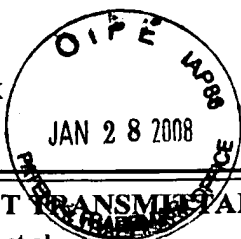
<input type="checkbox"/> PAT APP (PROV / NON-PROV / PCT)	<input checked="" type="checkbox"/> AMENDMENT (<u>RESPONSE</u>) PRELIMINARY
<input type="checkbox"/> DECL & POA (EXECUTED / UNEXECUTED)	<input type="checkbox"/> RESPONSE TO RESTRICTION REQUIREMENT
<input type="checkbox"/> PAGES TOTAL TEXT	<input type="checkbox"/> RESPONSE TO MISSING PARTS
<input type="checkbox"/> TOTAL # CLAIMS	<input type="checkbox"/> RESPONSE TO INVITATION TO CORR. DEFECTS
<input type="checkbox"/> DRAWING SHEETS (FORMAL / INFORMAL)	<input checked="" type="checkbox"/> PET. EXT. OF TIME <u>3</u> MONTH(S)
<input type="checkbox"/> SEQUENCE LISTING SUPPORT STATEMENT	<input type="checkbox"/> (SUPP.) INF. DISC. STMT., PTO-1449 & REFS
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<input checked="" type="checkbox"/> TRANSMITTAL FORM (PROV <u>US</u> / PCT)	<input type="checkbox"/> REQUEST (RCE / STATUS / CERT. OF CORR.)
<input type="checkbox"/> APPLICATION DATA SHEET	<input type="checkbox"/> FEE AUTH (ISSUE / MAINTENANCE)
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TOTAL FEES \$ 525.00OTHER (PAPER TITLE) Terminal Disclaimer
to Obviate a Double Patenting Rejection Over a
"Prior" Patent


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Attn: Kathryn R. Doyle
 Intellectual Property Group
 Drinker Biddle & Reath LLP
 One Logan Square
 18th & Cherry Streets
 Philadelphia, PA 19103-6996

Lisa Richardson - 26W



AMENDMENT TRANSMITTAL LETTER (Small Entity)		Docket No.
Applicant(s): Pfefferle, et al.		047162-5023-01-US

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/726,394	12/2/2003	Stuart L. Hendrickson	023973	1754	5613

Invention: Growth of Nanostructures with Controlled Diameter

COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	33 -	38 =	0	x \$25.00	\$0.00
INDEP. CLAIMS	1 -	2 =	0	x \$105.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____
- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0573
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Hallum O. Bailey, Esq.
Reg. No. 56,093
Drinker Biddle & Reath LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103

Dated: January 24, 2008

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

1/24/08
(Date)

Signature of Person Mailing Correspondence

Lisa Richardson
Typed or Printed Name of Person Mailing Correspondence

CC:

P11SMALL/REV10



Application Serial No. 10/726,394
Response to Office Action Mailed July 24, 2007

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED VIA FACSIMILE ADDRESSED TO:
MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, WITH
A COURTESY COPY TO EXAMINER HENDRICKSON (571-273-1351) AND SUPERVISORY PATENT EXAMINER
SILVERMAN (571-273-1358) FOR ON THE DATE INDICATED BELOW.

BY: Stuart L. HendricksonDATE: January 28, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: *Pfefferle, et al.*

Application No.: 10/726,394

Filed: December 02, 2003

Title: GROWTH OF NANOSTRUCTURES
WITH CONTROLLED DIAMETER

Group Art Unit: 1754

Examiner: Stuart L. Hendrickson

Docket No.: 47162-5023-01-US
[Formerly YU-P03-008]

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

Sir:

This Communication is being made in the above-identified application and is directed to the Office Action dated July 24, 2007. On January 24, 2008, Applicants filed a good faith and complete Amendment and Response to the outstanding Office Action in the above-identified application. However, the Amendment and Response was directed via the identifying information, through error, into parent, presently allowed Application No. 10/328,857.

Applicants, via the undersigned, Hallum Bailey, realized the error on January 25, 2008. Mr. Bailey immediately telephoned Examiner Hendrickson to inform him of the error and ask that the papers, when received in the Patent Office, be moved to the above-identified application. Examiner Hendrickson stated that no correction of the error would be made.

Mr. Bailey then left a voicemail message for Supervisory Patent Examiner Silverman, also on January 25, 2008, and Kathryn Doyle (Mr. Bailey's supervising attorney) left a second voicemail for Examiner Silverman on January 28, 2008. Applicants await a response to either voicemail.

It is Applicants belief that errors of this nature are correctable at least pursuant to MPEP § 502 which states in relevant part:

A minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number.

MPEP §502 (emphasis added).

Application Serial No. 10/726,394
Response to Office Action Mailed July 24, 2007

Applicants contend that the error was discovered within one day, and that attempts to correct it were immediately made.

Applicants provide herewith a Corrected Amendment and Response (including exhibits) in order that the error be corrected. Applicants believe that their actions are in accordance with the USPTO rules and regulations.

To ameliorate any confusion, Applicants kindly request that the Amendment and Response filed on January 24, 2008 be entered into the present application, and not into the parent application.

Applicants further request that the accompanying Corrected Amendment and Response be entered into the present application, being identical to the prior filed Amendment and Response, except that the identifying information has been corrected. No new matter has been added.

Applicants also request that the present Communication, serving to clarify the situation be entered into the present application.

Should the Examiner have any questions or comments to this communication, the Examiner is invited to contact Applicants' undersigned representative at (215) 988-2685.


A courtesy copy of this Corrected Amendment and Response is being faxed directed to Examiner Hendrickson (571-273-1351) and Supervisory Patent Examiner Silverman (571-273-1358) for their convenience.

Respectfully submitted,

LISA PFEFFERLE

28 Jan 08
(Date)

By:


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Enclosures: Corrected Amendment and Response

